



without justification. Ultimately, Defendant terminated Plaintiff. Defendant willfully discriminated against Plaintiff in violation of his federally protected rights granted under USERRA. Plaintiff has been harmed, and continues to experience harm, as a result of Defendant's unlawful actions.

#### B. DEFENDANT'S THEORY OF THE CASE:

Defendant Metropolitan Security Services, Inc. d/b/a Walden Security, disputes Plaintiff's version of events as described in Plaintiff's Complaint, and denies that Plaintiff was subjected to any discriminatory conduct while working at Walden Security. Additionally, Walden Security denies that it did not offer Plaintiff a comparable position upon his return to work. In fact, Walden Security reinstated Plaintiff to the same position that he held prior to being called to active duty. Walden Security denies that Plaintiff is entitled to any lost pay or benefits. Plaintiff is a current Walden employee and has suffered no damages.

#### III. IDENTIFICATION OF THE ISSUES:

- (a) Issues Resolved: Jurisdiction and venue.
- (b) Issues Still in Dispute: Liability and damages.

#### IV. NEED FOR OTHER CLAIMS OR SPECIAL ISSUES:

The parties do not anticipate any issues to arise under Rules 13-15-, 17-21, or Rule 23 of the Federal Rules of Civil Procedure.

#### V. INITIAL DISCLOSURES AND STAGING OF DISCOVERY:

(a) Initial Disclosures: The parties will exchange their initial disclosures on or before **January 22, 2014**.

(b) Completing All Discovery: The parties shall complete all written discovery and depositions on or before **July 24, 2014**. Document requests, interrogatories and requests for

admission shall be served sufficiently in advance of the discovery cutoff in order to allow time for responses and resolution of any discovery disputes prior to the expiration of the discovery deadline.

(c) **Discovery-Related Motions:** Discovery-related motions are due on or before **August 24, 2014**. No motions concerning discovery are to be filed until after the parties have conferred in good faith. Prior to filing any discovery-related motion, the parties will schedule and conduct a telephone conference with the Magistrate Judge [The counsel requesting the conference shall check with opposing counsel as to their availability before setting a time certain with the Court.]

(d) **Expert Disclosures (Rule 26)**

(i) Plaintiff's Rule 26(a)(2) expert witness disclosures and reports shall be served by **July 14, 2014**.

(ii) Plaintiff's Rule 26(a)(2) expert witness disclosures and reports shall be served by **August 14, 2014**.

#### VI. **DISPOSITIVE MOTIONS:**

(a) The deadline for filing dispositive motions is **September 26, 2014**.

(b) Responses will be filed within 30 days after the date the motion is filed, no later than **October 26, 2014**.

(c) Briefs (motions and responses) shall not exceed 25 pages.

(d) Optional replies will be filed within 14 days after the date the response is filed, no later than **November 10, 2014**.

(e) If dispositive motions are filed early, the response and reply dates are moved up accordingly.

VII. OTHER DEADLINES:

(a) Joining Parties:

(i) Plaintiff: **April 18, 2014**

(ii) Defendant: **May 18, 2014**

(b) Deadline for filing Motions to Amend the Pleadings

(i) **Plaintiff: May 18, 2014**

(ii) **Defendant: June 18, 2014**

VIII. SUBSEQUENT CASE MANAGEMENT CONFERENCES:

The parties do not anticipate the need for a subsequent case management conference at this time. Should the Court, upon the request of either party, later stay the proceedings to facilitate settlement discussions or for any other reason, upon lifting of the stay Plaintiff will request that the Court set a subsequent case management conference for the purposes of scheduling at that time. In that situation, the conference will be conducted by telephone, and Plaintiff will initiate the call.

IX. ALTERNATIVE DISPUTE RESOLUTION:

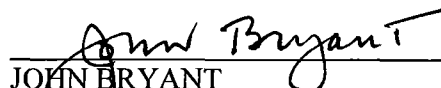
The parties do not believe mediation would be helpful at this time, but they intend to reconsider the advisability of mediation after some discovery is conducted.

The parties, however, are not able to set a timeframe for settlement at this time.

X. TARGET TRIAL DATE: The parties anticipate that a <sup>jury</sup> bench trial in the matter will last two (2) days. Trial is set for \_\_\_\_\_, 20\_\_..

*The target trial date is February 10, 2015.*

It is so ORDERED:

  
JOHN BRYANT  
United States Magistrate Judge

APPROVED FOR ENTRY:

/s/ James B. Johnson

James B. Johnson (BPR #015509)

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